

REMARKS

Summary of the Office Action

Claims 3-11 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,124,799 to *Parker*.

Summary of the Response to the Office Action

Applicants respectfully traverse all rejections under 35 U.S.C. § 102(b) as allegedly being anticipated by *Parker*.

Accordingly, claims 3-11 are presently pending for consideration.

Rejections Under 35 U.S.C. § 102(b)

Claims 3-11 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *Parker*. Applicants respectfully traverse the rejection for at least the following reasons.

Applicants respectfully submit that the Office has not established that *Parker* anticipates each and every feature of Applicants' claimed invention and that all rejections under 35 U.S.C. § 102(b) should be withdrawn. Independent claim 9 recites, in part, a method of unlocking a mobile telephone including the steps of "the user, through said mobile telephone, establishing a communication by using a calling number relating to the manufacturer" and "during this communication, the mobile telephone transmitting to said calling number, an unlocking request using digital data comprising an identification number of the mobile telephone." *Parker* fails to teach or suggest at least these features of claim 9, and hence dependent claims 3-8, 10, and 11.

The Office equates step 106 of *Parker*'s FIG. 4 with the claimed step of "establishing a communication by using a calling number relating to the manufacturer." Office Action, Paragraph 2 at lines 8-12. FIG. 4 of *Parker* is directed to a method of activating a handset for

use in a network. Col. 8, lines 15-19. Prior to its purchase, the handset 20 is locked such that only emergency and activation calls may be established. Col. 8, lines 19-21. In particular, a user inserts a SIM 40 into a handset 20 upon the purchase of the handset 20. Col. 8, lines 21-26. At step 106, the handset 20 sends subscriber identification information when transmitting the number dialed on the handset 20 to a mobile base station 50. Col. 8, lines 29-35. In the proceeding steps, the call is routed to the network's CSC 80 for activation. Col. 8, lines 40-52. *Parker* expressly provides that the CSC 80 is associated with the network operator (i.e., not a manufacturer). Abstract at lines 18-20. In contrast to *Parker*, claim 9 establishes a communication by using a calling number relating to the manufacturer (i.e., not the network). As calling a "customer service center" may not be equated with calling a "manufacturer," *Parker* fails to teach or suggest each and every feature of independent claim 9.

Dependent claim 10 recites, in part, a step wherein "said manufacturer contacts the user's operator to verify that said user is entitled to unlocking." To allege anticipation of this feature, the Office relies upon step 108 of FIG. 4 in which the MSC (associated with the network operator, not the manufacturer) looks up the caller ID in HLR 70 to check caller validity. Thus, *Parker* fails to teach or suggest each and every feature of claim 10.

As pointed out in M.P.E.P. § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. Because *Parker* fails to teach or suggest each feature of independent claim 9, the rejection under 35 U.S.C. § 102(b) should be withdrawn. Furthermore, claims 3-8, 10, and 11 depend from independent claims 9. Accordingly, claims 3-8, 10, and 11 are also allowable because of the additional features they recite and the reasons stated above.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the Response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

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By: Mary Jane Boswell
Mary Jane Boswell
Reg. No. 33,652

CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel: 202-739-3000
Fax: 202-739-3100